



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 10**

1200 Sixth Avenue, Suite 900
Seattle, WA 98101-3140

NOV 19 2015

OFFICE OF
COMPLIANCE AND ENFORCEMENT

Reply To: OCE-101

Ms. Serena Lewellyn
Environmental Coordinator
1076 Ocean Dock Road
Anchorage, Alaska 99501

Re: **Notice of Violation/No Further Action**
Flint Hills Resources Alaska, LLC
RCRA ID Number: AKD 9809 7499

Dear Ms. Lewellyn:

This Notice of Violation (NOV) is to inform you of a violation of the Resource Conservation and Recovery Act, as amended (RCRA) identified during an inspection of Flint Hills Resources (FHR) Alaska, LLC located at 1076 Ocean Dock Road in Anchorage. This inspection was conducted on September 23, 2014, by the Environmental Protection Agency (EPA) and was performed pursuant to EPA's authority under Section 3007 of RCRA, 42 U.S.C. § 6927. The purpose of the inspection was to determine the facility's compliance with RCRA.

At the time of the inspection, the following violation was observed:

Failure to have an Adequate Contingency Plan

The regulation at 40 C.F.R. § 262.34(a)(4) requires that a large quantity generator comply with 40 C.F.R. Subpart D, among other things or obtain a RCRA permit. The regulations at 40 C.F.R. § 265.52 and § 265.53 require that a facility have a contingency plan that describes the actions facility personnel are required to take in response to a release of hazardous waste at the facility and the facility must submit the contingency plan to the local police, fire department and hospitals. At the time of the inspection the facility contingency plan was missing these two elements.

On October 20, 2014 the EPA inspector received from you correspondence that included an updated hazardous waste contingency plan and copies of letters indicating distribution of the plan to the Anchorage Fire Department, Anchorage Police, and the local hospital among other addresses. The information in the October 20, 2014 correspondence corrected this violation.

EPA Reservation of Rights

Notwithstanding this NOV or your response, EPA reserves the right to take any action pursuant to RCRA, the Comprehensive Environmental Response, Compensation, and Liability Act, as amended (CERCLA), or any other applicable legal authority, including without limitation, the right to seek injunctive relief, implementation of response actions or corrective measures, cost recovery, monetary penalties, and punitive damages. Your response to this NOV does not constitute compliance with RCRA.

Nothing in this NOV or your response shall affect your duties, obligations, or responsibilities with respect to the Facility under local, state, or federal law or regulation.

Thank you for your prompt attention to this important matter. If you have questions regarding this NOV and No Further Action Letter, please contact Cheryl Williams of my staff at 206-553-2137 or williams.cheryl@epa.gov.

Sincerely,



Edward J. Kowalski
Director